



**MINUTES  
of the  
THREE-HUNDRED-SIXTEENTH MEETING  
of the  
LEGISLATIVE COUNCIL  
June 23, 2008  
Santa Fe**

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The three-hundred-sixteenth meeting of the Legislative Council was called to order on Monday, June 23, 2008, at 10:50 a.m. in Room 307 of the State Capitol by Senator Timothy Z. Jennings, co-chair.

**Present**

Senator Timothy Z. Jennings, Co-Chair  
Representative Ben Lujan, Co-Chair  
Senator Carlos R. Cisneros  
Senator Kent L. Cravens  
Senator John T.L. Grubestic  
Senator Stuart Ingle  
Representative Rhonda S. King  
Representative W. Ken Martinez  
Representative Rick Miera  
Senator Leonard Lee Rawson  
Senator Michael S. Sanchez  
Representative Sheryl Williams Stapleton  
Representative Thomas C. Taylor  
Representative Jeannette O. Wallace

**Special Advisory Members Present**

Representative Janice E. Arnold-Jones  
Senator Dianna J. Duran  
Senator Mary Jane M. Garcia  
Representative James Roger Madalena  
Senator Cisco McSorley  
Senator Lidio G. Rainaldi  
Senator H. Diane Snyder  
Representative Peter Wirth

**Guest**

Representative Patricia A. Lundstrom

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)  
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS

**Absent**

Senator Pete Campos  
Representative Daniel R. Foley

**Special Advisory Members Absent**

Representative Donald E. Bratton  
Representative Antonio Lujan  
Senator Steven P. Neville  
Representative Al Park  
Senator John Arthur Smith

Raúl Burciaga, Assistant Director for Drafting Services, LCS  
John Yaeger, Assistant Director for Legislative Affairs, LCS  
Jeret Fleetwood, Locator Coordinator, LCS

Staff noted that the minutes of the May 5, 2008 meeting indicated that the Welfare Reform Oversight Committee was approved to meet three times, but that the council had actually approved the committee to meet four times.

On a motion made, seconded and unanimously approved, the corrected minutes of the May 5, 2008 meeting were approved.

On a motion made, seconded and unanimously approved, members who are not seeking reelection or who have been defeated in the primary election were approved to travel to meetings of national committees to which they have been appointed.

### **Interim Committee Work Plans and Budgets**

Interim committee work plans and budgets were presented by the appropriate LCS staff members. The council reduced a number of budget requests, but authorized the committees to return to the council to request additional money should it be necessary. A copy of each work plan and budget is attached to the original of these minutes.

The work plan and meeting dates for the Mortgage Finance Authority Act Oversight Committee were approved as submitted. A budget of \$11,190.66 for voting members and \$11,362.98 for advisory members was also approved.

The work plan of the Indian Affairs Committee was altered to include an item regarding the disproportionate incarceration of Native Americans in relation to the population, rather than the disproportionate sentencing of Native Americans in relation to the population. The work plan was also amended to include an item regarding the money set aside for gambling addiction treatment services. The meeting dates, including October and November meetings outside of the capitol, and a budget of \$58,360.31 for voting members and \$35,195.12 for advisory members were also approved.

The work plan of the Revenue Stabilization and Tax Policy Committee was amended to include items regarding:

- the effect of under-assessment of property on public school funding;
- the safety and upkeep of the stalls and stands at horse racing tracks to ensure that gaming revenue has been invested in their maintenance; and
- agricultural fuel taxes.

The council did not approve the committee's request to hold a meeting outside of the capitol in October; however, the council did inform staff that the committee could request a meeting outside the capitol if it was deemed it necessary. A budget of \$65,000 for voting members was also approved.

The committee also requested an additional \$10,000 for expert testimony; however, Speaker Lujan indicated that the committee would need to identify exactly what kind of expert testimony and its purpose before the council would authorize the funds.

The work plan of the Welfare Reform Oversight Committee was amended to include items related to child care issues and work force development programs.

The committee's request for an additional two-day meeting was not approved. Instead, the council approved only four two-day meetings. The amended work plan and a budget of \$26,000 for voting members and \$22,889.76 for advisory members were also approved.

The work plan and meeting dates, including an additional meeting, an October meeting outside of the capitol and a December meeting, for the Radioactive and Hazardous Materials Committee were approved as submitted.

Senator David Ulibarri was added to the committee as an advisory member.

A budget of \$28,000 for voting members and \$23,001.79 for advisory members was also approved.

The work plan and meeting dates for the Economic and Rural Development Committee were approved as submitted.

Representative Brian K. Moore was removed as a voting member of the committee and replaced by Representative Nora Espinoza. Representative Shirley A. Tyler was added to the committee as an advisory member.

The council discussed whether to amend the committee's work plan to include some discussion of payday and title loans, instead of creating another committee to address financial institutions. Speaker Lujan reminded the council that the action taken at the May 5 meeting already created the committee.

A budget of \$45,000 for voting members and \$64,800.46 for advisory members was also approved.

The work plan, meeting dates, including a request for an additional two-day meeting, and a budget of \$19,000.40 for voting members and \$12,512.87 for advisory members for the Land Grant Committee were approved as submitted.

The work plan and meeting dates for the Investments and Pensions Oversight Committee were approved as submitted. A budget of \$17,500 for voting members and \$20,033.15 for advisory members was also approved.

The work plan of the Information Technology and Telecommunications Oversight Committee was approved as submitted. The committee's August and October meeting locations were swapped. Senator Richard C. Martinez was named chair of the committee while Senator Smith will remain on the committee as a voting member.

The changes to the committee, altered meeting dates and a budget of \$12,500 for voting members and \$13,314.01 for advisory members were all approved.

The work plan and meeting dates for the Los Alamos National Laboratory Oversight Committee were approved as submitted. A budget of \$8,156.13 for voting members and \$7,294.12 for advisory members was also approved.

The work plan for the Water and Natural Resources Committee was approved as submitted. The committee's request for an October meeting outside of the Capitol and an additional meeting day in November was also approved, although the council instructed the committee to hold its October meeting earlier in the month.

A budget of \$50,000 for voting members and \$52,950 for advisory members was also approved.

The work plan and meeting dates for the Legislative Health and Human Services Committee were approved as submitted. A budget of \$32,855.36 for voting members and \$91,040.50 was also approved.

The work plan and meeting dates for the Tobacco Settlement Revenue Oversight Committee were approved as submitted. A budget of \$6,830.13 for voting members and \$5,264.91 for advisory members was also approved.

The work plan and meeting dates for the Courts, Corrections and Justice Committee were approved as submitted. A budget of \$48,000 for voting members and \$55,927.98 for advisory members was also approved.

The council discussed several issues related to privacy protection problems associated with the federal REAL ID Act.

Senator McSorley indicated that the Pew Foundation will be in New Mexico in July to examine criminal sentencing issues. Per diem and mileage payments for members of the committee who wish to attend the Pew Foundation's meetings were approved.

The meeting dates, including an October meeting outside of the capitol, for the New Mexico Finance Authority Oversight Committee were approved as submitted. The committee's work plan was amended to include an item relating to capital outlay projects at the State Fairgrounds, which would be discussed at the committee's October meeting. A budget of \$35,000 for voting members was also approved.

The council also discussed whether tax increment development districts (TIDDS), which appeared as an item in the Revenue Stabilization and Tax Policy Committee's work plan, need to be discussed by the New Mexico Finance Authority Oversight Committee (NMFA), too. Staff clarified that agenda items regarding TIDDS would be limited to bonding issues.

Staff also noted that a New Mexico First Town Hall meeting regarding transportation infrastructure issues was scheduled for August 7-9 in Bernalillo. Per diem and mileage payments for NMFA members wishing to attend were authorized.

The work plan and meeting dates for the Public School Capital Outlay Oversight Task Force were approved as submitted. A budget of \$25,000 for voting members was also approved.

In response to a question from Senator Snyder, staff indicated that each school district must present its five-year plan to the Public School Capital Outlay Council.

The work plan for the Capital Outlay Subcommittee was approved as submitted. The subcommittee's July 30 meeting was moved to July 28; the other meeting dates were approved as submitted. A budget of \$12,000 for voting members and \$4,468 for advisory members was also approved.

Staff noted that, traditionally, the Legislative Committee on Compacts and the Interim Legislative Ethics Committee do not fully develop work plans and budgets since they typically meet only as necessary.

In response to a question from Senator Snyder, staff indicated that, the speaker and president pro tempore would appoint members to meet with the gaming tribes annually pursuant to the compact.

The work plan and budget for the Legislative Committee on Compacts were approved as submitted.

The work plan and budget for the Interim Legislative Ethics Committee were approved as submitted. Senator Rawson indicated that he has requested opinions from the committee and would like a formal response to his requests from the committee.

A motion was made, seconded and unanimously approved to allow funds from interim expenditures to be transferred if necessary to cover per diem and mileage for advisory members of interim committees if funds run out.

#### Other Committee Business

Ms. Tackett reminded the council that it had voted to create a Consumer Lending Practices Committee, but that because there were concerns over the areas of focus for the

committee, staff was directed to develop several potential areas of focus. Ms. Tackett presented those.

Speaker Lujan stated that he would like to see a six-member committee formed, and appointed Representative Lundstrom to serve as co-chair along with Representatives Joni Marie Gutierrez and Don L. Tripp. He also suggested that the committee hold one organizational and three additional meetings this interim.

Senator Jennings indicated that he would be unable to appoint senate members to the committee at this time. He also explained that he would have to appoint at least four Senators to the committee to ensure adequate representation from all areas of the state.

Representative Stapleton requested that if the size of the committee does grow, a house member from Albuquerque be appointed.

Representative Taylor pointed out that the problem of not having enough senators to serve on the existing number of interim committees continually arises and suggested that interim committees be appointed proportionally to reflect the ratio of house members to senate members in the legislature. However, Senator Rawson noted that such an arrangement would create the additional problem of having more house members on committees, making it possible for a committee to convene itself with a quorum made up entirely of house members.

Senator Jennings indicated that a committee composed of five house members and five senate members would be fine.

### **Staff Reports**

Ms. Tackett provided the council with an update regarding the interim committee protocol briefings she gave to each committee. She indicated that several committees raised questions, including:

- revisiting rules regarding attendance and how long a member would have to stay at a meeting in order to be considered present for that meeting;
- exploring teleconferencing and similar technologies to consider the price of gasoline;
- adjusting voting and advisory memberships based on attendance records; and
- rules regarding per diem and mileage payments for activities concerning an interim committee's scope of work.

Ms. Tackett also noted that Rio Arriba County requested the creation of an interim committee to study the feasibility of having the Public Regulation Commission regulate the propane industry. Staff noted that the item would appear on the Water and Natural Resources Committee's work plan.

Ms. Tackett informed the council that the *Constitutional Amendment Pros and Cons* would be published soon.

**Fiscal Year 2009 Budgets**

The council went into executive session to discuss salary recommendations. The council came out of executive session and the salaries for the staff of the LCS, house and senate chief clerks' offices were approved as proposed. The salary increases for the directors of the LCS and Legislative Education Study Committee and the chief clerks of the house and senate were announced.

There being no further business, the council adjourned at 2:00 p.m.